

REMARKS

Claim 13 has been rejected. Claims 17-30 have been allowed.

Reconsideration of rejected claim 13 is respectfully requested.

In the Office Action, claim 13 was rejected as obvious over LAMBROPOULOS (US 5,736,935) in view of SCHUERMANN (US 5,552,789). Applicant respectfully traverses this rejection.

Applicant's claim 13 recites a method for operating a vehicle wherein a control device fixed in the vehicle interrogates the authorization verification device for the purpose of starting the vehicle drive unit separately and independently of a dialogue for establishing access authorization to the vehicle. Further, the interrogation also occurs during the operation of the vehicle drive unit.

As noted in Applicant's prior reply, the continued interrogation during the operation of the vehicle drive unit advantageously provides a means for rapidly detecting problems and to take corrective measures.

By contrast, LAMBROPOULOS specifically teaches away from such an interrogation by stating that its control device "ceases all interrogation activities...as long as the engine is running" (col. 9, lines 55-58). And, while SCHUERMANN discloses periodic interrogation of transponders in general, it does not teach or suggest continuing the interrogation of an access verification device transponder while the vehicle is running.

In the Office Action, the Examiner argues that col. 8, lines 46-58 of SCHUERMANN suggests that "it is understood that the vehicle will cease

operating if transponder 22 fails to provide the proper identification code to the automobile ignition control module during the interrogation process". Applicant respectfully disagrees that this passage teaches or suggests Applicant's claimed invention. Indeed, as Applicant previously noted, turning off an engine during the driving of the vehicle is dangerous, hence LAMBROPOULOS teaches away from such a danger by ceasing interrogation activities while the engine running. The passages cited by SCHUERMAN, properly viewed, would be understood by one of skill in the art as a recognition that a vehicle could be started in an authorized manner with a mechanical key and would then be turned off should the legitimate transponder not respond properly.

In that regard, Applicant's claim merely indicates that the interrogation also occurs during the operation of the vehicle drive unit. The Examiner's effort to construct a system that would turn off an engine during the drive based on the combination of LAMBROPOULOS and SCHUERMAN would be dangerous as noted above, and is, therefore, not a proper interpretation of the references. Indeed, while anti-theft systems are known to disable a vehicle, Applicant submits the references do not suggest interrogating the authorization verification device to start the vehicle drive unit and then also to interrogate the authorization verification device during the operation of the vehicle drive unit. Doing so to disable the engine while driving – as the Examiner suggests – would be imprudent and unsafe.


In view of the above, Applicant respectfully requests that claim 13 be allowed. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/48953).

Respectfully submitted,

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